

STATE OF MINNESOTA

EIGHTY-NINTH SESSION — 2016

 NINETY-FOURTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 5, 2016

The House of Representatives convened at 9:00 a.m. and was called to order by Kurt Daudt, Speaker of the House.

Prayer was offered by Dr. Joel Wiggins, Crown College, St. Bonifacius, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Albright	Dean, M.	Hertaus	Lohmer	Nornes	Selcer
Allen	Dehn, R.	Hilstrom	Loon	Norton	Simonson
Anderson, C.	Drazkowski	Hoppe	Loonan	O'Driscoll	Slocum
Anderson, M.	Ecklund	Hornstein	Lucero	O'Neill	Smith
Anderson, P.	Erhardt	Hortman	Lueck	Pelowski	Sundin
Anderson, S.	Erickson	Howe	Mack	Peppin	Swedzinski
Anzelc	Fabian	Isaacson	Mahoney	Persell	Theis
Applebaum	Fenton	Johnson, B.	Mariani	Petersburg	Thissen
Atkins	Fischer	Johnson, C.	Marquart	Peterson	Torkelson
Backer	Flanagan	Johnson, S.	Masin	Pierson	Uglem
Baker	Freiberg	Kahn	McDonald	Pinto	Urdahl
Barrett	Garofalo	Kelly	McNamara	Poppe	Vogel
Bennett	Green	Kiel	Metsa	Pugh	Wagenius
Bernardy	Gruenhagen	Knoblach	Miller	Quam	Ward
Bly	Gunther	Koznick	Moran	Rarick	Whelan
Carlson	Hackbarth	Kresha	Mullery	Rosenthal	Wills
Christensen	Halverson	Laine	Murphy, E.	Runbeck	Yarusso
Considine	Hamilton	Lesch	Murphy, M.	Sanders	Youakim
Cornish	Hancock	Liebling	Nash	Schoen	Zerwas
Daniels	Hansen	Lien	Nelson	Schomacker	Spk. Daudt
Davids	Hausman	Lillie	Newberger	Schultz	
Davnie	Heintzeman	Loeffler	Newton	Scott	

A quorum was present.

Dettmer, Franson and Melin were excused.

Clark was excused until 1:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 1111 and H. F. No. 1422, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Swedzinski moved that S. F. No. 1111 be substituted for H. F. No. 1422 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1425 and H. F. No. 1503, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Barrett moved that S. F. No. 1425 be substituted for H. F. No. 1503 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2426 and H. F. No. 3193, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Cornish moved that S. F. No. 2426 be substituted for H. F. No. 3193 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2430 and H. F. No. 2833, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Schomacker moved that S. F. No. 2430 be substituted for H. F. No. 2833 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2527 and H. F. No. 3829, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Urdahl moved that S. F. No. 2527 be substituted for H. F. No. 3829 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2548 and H. F. No. 2512, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Peterson moved that S. F. No. 2548 be substituted for H. F. No. 2512 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2555 and H. F. No. 2497, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Peterson moved that S. F. No. 2555 be substituted for H. F. No. 2497 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2713 and H. F. No. 2741, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Lesch moved that S. F. No. 2713 be substituted for H. F. No. 2741 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2963 and H. F. No. 2993, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Hackbarth moved that S. F. No. 2963 be substituted for H. F. No. 2993 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3272 and H. F. No. 3409, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Fabian moved that S. F. No. 3272 be substituted for H. F. No. 3409 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 1111, 1425, 2426, 2430, 2527, 2548, 2555, 2713, 2963 and 3272 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Erickson introduced:

H. F. No. 3987, A bill for an act relating to health; establishing an exemption from health regulation for food served at fund-raisers or community events by certain faith-based organizations; amending Minnesota Statutes 2014, section 157.22.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Thissen introduced:

H. F. No. 3988, A bill for an act relating to transportation; governing certain requirements on filing traffic citations; amending Minnesota Statutes 2014, section 169.99, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance.

Runbeck, Lien and Kiel introduced:

H. F. No. 3989, A bill for an act relating to transportation; requiring a road deicing study.

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance.

Kahn, Selcer, Moran, Thissen, Schoen and Johnson, S., introduced:

H. F. No. 3990, A bill for an act relating to economic development; appropriating grant funds to support the Somali community; requiring reports.

The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance.

Bly introduced:

H. F. No. 3991, A bill for an act relating to education; clarifying language proficiency requirements for students studying Latin; amending Minnesota Statutes 2015 Supplement, section 120B.022, subdivision 1b.

The bill was read for the first time and referred to the Committee on Education Innovation Policy.

Mullery introduced:

H. F. No. 3992, A bill for an act relating to health; appropriating money for a grant to a nonprofit organization to address hepatitis B-related health disparities.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2718, A bill for an act relating to local government; permitting the city of Elk River to increase the membership of its public utilities commission.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2378, 2416, 2428, 2709, 2752, 2930, 3131, 3317 and 3327.

JOANNE M. ZOFF, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2378, A bill for an act relating to human services; requiring the commissioner to reform the continuum of treatment for individuals with substance use disorders; proposing coding for new law in Minnesota Statutes, chapter 254B.

The bill was read for the first time.

Dean, M., moved that S. F. No. 2378 and H. F. No. 2772, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2416, A bill for an act relating to consumer protection; prohibiting the possession, manufacture, or sale of cellular telephone cases resembling a firearm; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time.

Atkins moved that S. F. No. 2416 and H. F. No. 3807, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2428, A bill for an act relating to human services; extending the legislative task force on child protection; amending Laws 2015, chapter 71, article 1, section 125.

The bill was read for the first time.

Kresha moved that S. F. No. 2428 and H. F. No. 2683, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2709, A bill for an act relating to workforce development; modifying workforce development areas; amending Minnesota Statutes 2014, section 116L.666.

The bill was read for the first time.

Gunther moved that S. F. No. 2709 and H. F. No. 3081, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2752, A bill for an act relating to transportation; prohibiting location of school bus stops in right-turn lanes except under specified conditions; requiring use of prewarning amber signals, flashing red signals, and stop-signal arms when stopping in right-turn lanes; amending Minnesota Statutes 2014, section 169.443, subdivision 2.

The bill was read for the first time.

Halverson moved that S. F. No. 2752 and H. F. No. 3404, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2930, A bill for an act relating to manufactured homes; park lot rentals; making changes to the manufactured home relocation trust fund; amending Minnesota Statutes 2014, section 327C.095, subdivisions 12, 13.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 3131, A bill for an act relating to local government; listing reimbursable costs for purposes of a power purchase agreement; authorizing an increase in Hibbing's Public Utility Commission membership; abolishing and replacing existing council member wards of the city of Hibbing; changing form of government of the city of Hibbing; amending Minnesota Statutes 2014, section 216B.2424, subdivision 5a; Laws 1949, chapter 422, section 2, as amended.

The bill was read for the first time.

Melin moved that S. F. No. 3131 and H. F. No. 3357, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3317, A bill for an act relating to environment; modifying dry cleaner response and reimbursement account provisions; modifying prior appropriation; requiring rulemaking; amending Minnesota Statutes 2014, sections 115B.48, by adding a subdivision; 115B.50, subdivision 3, by adding a subdivision; Laws 2015, First Special Session chapter 4, article 3, section 2, subdivision 4; repealing Minnesota Statutes 2015 Supplement, section 115B.48, subdivision 9.

The bill was read for the first time.

Hackbarth moved that S. F. No. 3317 and H. F. No. 3685, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3327, A bill for an act relating to impaired driving; requiring ignition interlock for repeat offenders to reinstate driving privileges; extending certain time periods to request reviews in DWI-related proceedings; providing that DWI offenders are not required to take a specified examination as a condition of driver's license reinstatement; prohibiting the application of the DWI Forfeiture Law to motor vehicles operated by persons who enter the ignition interlock program; modifying the DWI forfeiture laws innocent owner defense; amending Minnesota Statutes 2014, sections 97B.066, subdivision 8; 169A.53, subdivision 2; 169A.55, subdivisions 2, 4; 169A.60, subdivision 10; 169A.63, subdivision 7, by adding a subdivision; 171.29, subdivision 1; Minnesota Statutes 2015 Supplement, section 169A.53, subdivision 3.

The bill was read for the first time.

Kelly moved that S. F. No. 3327 and H. F. No. 2690, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

McNamara moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Kahn and Persell were excused between the hours of 12:45 p.m. and 12:55 p.m.

CALENDAR FOR THE DAY

The Speaker called Davids to the Chair.

H. F. No. 1066 was reported to the House.

Kresha moved to amend H. F. No. 1066, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2014, section 237.01, is amended by adding a subdivision to read:

Subd. 6a. **Telecommunications service.** "Telecommunications service" means the offering of telecommunications for a fee directly to the public or to such classes of users as to be effectively available to the public regardless of the facilities used.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2014, section 237.01, is amended by adding a subdivision to read:

Subd. 6b. **Telecommunications service provider.** "Telecommunications service provider" means any provider of telecommunications service.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2014, section 237.01, is amended by adding a subdivision to read:

Subd. 9. **Wholesale transport provider.** "Wholesale transport provider" means any person, firm, association, or corporation that carries, delivers, routes, or transports any telecommunications service subject to the commission's jurisdiction, directly or indirectly, but is not certified in Minnesota to provide retail telecommunications service to the public.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. **[237.025] COMPETITIVE MARKET REGULATION.**

Subdivision 1. Definitions. (a) Except as otherwise provided in this subdivision, a "competitive service provider" means:

(1) a wireless voice service provider; or

(2) any other provider of local voice service who owns a substantial proportion of the last-mile or loop facilities delivering service to a majority of households in an exchange service area, without regard to the technology used to deliver the service.

"Competitive service provider" does not include:

(i) a provider using satellite technology;

(ii) a wireless voice service provider who resells voice services purchased at wholesale;

(iii) a competitive local exchange carrier, as defined in Minnesota Rules, parts 7811.0100, subpart 12, and 7812.0100, subpart 12, who does not own a substantial proportion of the last-mile or loop facilities over which they provide local voice service;

(iv) an over-the-top VOIP provider; or

(v) a local exchange carrier petitioning to be regulated under this section or any affiliate of the petitioning local exchange carrier.

(b) "Exchange service area" has the meaning given in Minnesota Rules, part 7810.0100, subpart 15.

(c) "Local exchange carrier" means a telephone company, as defined in section 237.01, subdivision 7, or the corporate successor to a telephone company, providing local telephone service pursuant to a certificate granted by the commission under section 237.16 before August 1, 1995.

(d) "Over-the-top VOIP provider" means a VOIP provider that:

(1) requires the end user to obtain broadband transmission from a third-party provider; and

(2) has no business relationship with the provider of the Internet connection used by the VOIP provider to deliver voice service.

(e) "VOIP" or "Voice over Internet Protocol" means any service that:

(1) enables real-time two-way voice communications that originate from or terminate at the user's location in Internet protocol or any successor protocol; and

(2) permits users to receive calls that originate on the public switched telephone network and terminate calls to the public switched telephone network.

Subd. 2. Petition. (a) A local exchange carrier may petition the commission to have its residential voice services and business voice services to customers subscribing to three or fewer business lines regulated under this section in any exchange service area in which the carrier provides local voice service. The petition must be served on the commission, the department, the Office of the Attorney General, and any other person designated by the commission.

(b) A petition filed under this subdivision must include:

(1) a list of exchange service areas in which the local exchange carrier is seeking to be regulated under this section;

(2) the local services offered by the local exchange carrier in each exchange service area;

(3) a list of competitive service providers in each exchange service area;

(4) a description of affiliate relationships the petitioning local exchange carrier has with any provider of local service in each exchange service area;

(5) documentation demonstrating the loss of local voice service customers to unaffiliated competitive service providers in each exchange service area over, at a minimum, the previous five years;

(6) evidence demonstrating that the local exchange carrier satisfies the competitive criteria under subdivision 4 in each exchange service area; and

(7) other information requested by the commission that is relevant to the applicable competitive criteria under subdivision 4.

Subd. 3. Process; objection; review. (a) A petition by a local exchange carrier seeking to be regulated under this section shall be reviewed by the commission as provided under this subdivision.

(b) A party objecting to a local exchange carrier's petition filed under this section must file an objection within 45 days.

(c) If no party objects to a petitioning local exchange carrier's proposed election within 45 days of the filing of the petition, the petition is deemed approved.

(d) If a party raises an objection to a local exchange carrier's petition, the commission must provide interested parties and the petitioning carrier an opportunity to comment on the merits of the petition.

(e) The commission shall make a final determination regarding a petition filed under this section within 180 days of the date all information required under subdivision 2 was submitted.

(f) In reviewing the petition, the commission may request additional information from the petitioning local exchange carrier and other service providers under the commission's jurisdiction that provide service in the relevant exchange service area.

Subd. 4. Competitive criteria. The commission shall approve a petition under this section if a petitioning local exchange carrier demonstrates to the commission's satisfaction that:

(1) it serves fewer than 50 percent of the households in an exchange service area, and at least 60 percent of households in the exchange service area can choose voice service from at least one additional unaffiliated competitive service provider; or

(2) it serves more than 50 percent of the households in an exchange service area, and:

(i) at least 60 percent of households in the exchange service area can choose voice service from at least one additional unaffiliated competitive service provider;

(ii) no significant economic, technological, or other barriers to market entry and exit exist;

(iii) no single provider has the ability to maintain prices above competitive levels for a significant period of time or otherwise deter competition; and

(iv) the petitioning local exchange carrier will continue to offer basic local service, as defined in subdivision 8, consistent with its tariffs in effect at the time of its petition.

Subd. 5. **Burden of proof.** The burden of proof to show that the competitive criteria of subdivision 4 have been met shall be on the petitioning local exchange carrier.

Subd. 6. **Market regulation and consumer protection.** (a) A local exchange carrier that has received approval from the commission to be regulated under this section in one or more of its exchange service areas shall be subject to regulation in those approved exchange service areas as a telecommunications carrier under section 237.035, and as a competitive local exchange carrier under Minnesota Rules, parts 7811.2210 and 7812.2210, as applicable. Nothing in this section shall be construed to provide or imply that a local exchange carrier regulated under this section is exempted from Minnesota Statutes and Minnesota Rules applying to competitive local exchange carriers, including, but not limited to:

(1) sections 237.50 to 237.56;

(2) sections 237.66, 237.661, 237.663, and 237.665;

(3) sections 237.69 to 237.71; and

(4) Minnesota Rules, chapter 7810.

(b) Regulation under this section is effective 30 days after a petition is deemed approved under subdivision 3 or approved by the commission under subdivision 4.

Subd. 7. **Effect on existing alternative form of regulation plans.** (a) Approval of a petition for regulation under this section does not relieve an incumbent local exchange carrier of its obligation to fulfill all the terms of an existing alternative form of regulation plan under sections 237.76 to 237.774 for the duration of the plan.

(b) Following the expiration of the alternative form of regulation plan, an incumbent local exchange carrier whose petition is approved by the commission shall be subject to applicable provisions of this section in the approved local exchange areas.

Subd. 8. **Basic local service protection.** (a) For purposes of this subdivision, "basic local service" means:

(1) single party voice-grade service and touch-tone capability;

(2) access to the public switched network;

(3) 911 or enhanced 911 access; and

(4) telecommunications relay service capability and access necessary to comply with state and federal regulations.

(b) Except as provided in paragraph (d) below:

(1) prior to January 1, 2018, basic local service rates may not be increased beyond the rates in effect at the time of the effective date of this section;

(2) on or after January 1, 2018, basic local service rates for residential customers and business customers subscribing to three or fewer lines may not be increased on a per month basis by more than \$2.00. Any new basic local service rate established must remain in effect for a minimum of 12 months. Until December 31, 2022, basic local service rates may not exceed \$25.00; or

(3) on or after January 1, 2023, basic local service rates for residential customers and business customers subscribing to three or fewer lines may not be increased on a per month basis by more than \$2.00. Any new basic local service rate established must remain in effect for a minimum of 12 months. Any rate change effective after January 1, 2023, is deemed approved within 90 days of the commission's receiving notice of the rate change, unless the commission begins an investigation pursuant to Minnesota Rules, part 7811.2210, subpart 17, or 7812.2210, subpart 17, to determine if the rate will result in substantial customer harm, in which case the commission must make a final determination within 180 days of receiving notice of the rate change.

(c) Notwithstanding any statute or rule to the contrary, basic local service rates must be uniform within an exchange service area.

(d) The provisions of subdivision 8, paragraph (b), shall not apply to a rate of return carrier, as defined in Code of Federal Regulations, title 47, section 54.5.

Subd. 9. **Obligation to serve.** Nothing in this section affects the obligation of a local exchange carrier that petitions the commission to be regulated under this section to provide service to customers, when requested, in accordance with this chapter, commission rules, and its duly authorized tariffs.

Subd. 10. **Relation to other law.** Nothing in this section affects or modifies:

(1) any entity's obligations or rights, or the commission's authority, under the Federal Communications Act of 1934, United States Code, title 47, sections 251 and 252, and other applicable federal law;

(2) any commission jurisdiction over:

(i) intrastate switched access rates, terms, and conditions, including the implementation of federal law with respect to intercarrier compensation; or

(ii) commission authority to address or affect the resolution of disputes regarding intercarrier compensation; and

(3) the rights of any entity, or the authority of the commission or local government authorities, with respect to the use and regulation of public rights-of-way under sections 237.162 and 237.163.

Subd. 11. **Reexamining competitiveness of markets.** The commission may, upon petition or on its own motion, open a proceeding to examine whether the competitive criteria in subdivision 4 continue to be met in an exchange service area in which a local exchange carrier previously received commission approval to be regulated under this section. If the commission determines that the competitive criteria are no longer met, it shall determine the appropriate level of regulation for that provider in that exchange service area.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. **[237.078] INFORMAL REVIEW AND RESOLUTION OF DISPUTES.**

(a) A telecommunications service provider that is unable to resolve a dispute with another telecommunications service provider concerning a matter subject to commission jurisdiction may file a petition for an informal review of the dispute by the department.

(b) The petitioner must provide a copy of the petition to the other telecommunications service provider involved in the dispute. Upon receipt of a request for informal review, the department must notify the telecommunications service providers within three days of the procedures to be followed under the informal review process.

(c) The respondent telecommunications service provider must answer the allegations stated in the petition within five business days of receipt of the petition. The answer must advise the petitioner and the department of the respondent's proposed resolution to the dispute, or provide a timetable to complete an investigation and propose a resolution.

(d) The petitioner must file a response to the respondent's answer within five business days to inform the respondent and department whether the proposed resolution or proposed timetable is acceptable. If the respondent's resolution is deemed acceptable, the petitioner must notify the department and the respondent that the department may suspend or terminate the informal review process. If the resolution proposed by the respondent is not acceptable, the petitioner must state how the proposal should be modified in order to be acceptable. If the respondent's answer proposes a timetable to complete any investigation and offer a resolution that the petitioner deems unacceptable, the petitioner must identify any harm that may occur as a result of the proposed timetable.

(e) If a dispute remains after the answer and response are filed, the department must make reasonable efforts to gather any additional facts and investigate alternatives to resolve the dispute within 20 calendar days of the date of its receipt of the petitioner's response. The petitioning and respondent telecommunications service providers must provide any documents, data, or other information requested by the department and needed to evaluate the dispute within five business days of the department's request, or as expeditiously as possible if the information requested cannot be provided within the five business days. The department must work with the telecommunications service providers to explore alternatives and provide guidance regarding how the department believes the matter should be resolved. The department may dismiss a petition for informal review if the department finds the complaint to be without merit. A dismissal by the department under this paragraph does not prejudice the petitioning telecommunications service provider from filing a formal complaint with the Public Utilities Commission under section 237.081.

(f) The department may petition the commission to review a dispute or complaint in any case the department deems appropriate.

(g) While a dispute is subject to an informal review by the department under this section, a telecommunications service provider is prohibited from terminating telecommunications service, subject to the right to terminate service as otherwise permitted by law.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 6. Minnesota Statutes 2014, section 237.121, is amended to read:

237.121 PROHIBITED PRACTICES.

(a) A telephone company or telecommunications carrier may not do any of the following with respect to services regulated by the commission:

(1) upon request, fail to disclose in a timely and uniform manner information necessary for the design of equipment and services that will meet the specifications for interconnection;

(2) intentionally impair the speed, quality, or efficiency of services, products, or facilities offered to a consumer under a tariff, contract, or price list;

(3) fail to provide a service, product, or facility to a consumer other than a telephone company or telecommunications carrier in accordance with its applicable tariffs, price lists, or contracts and with the commission's rules and orders;

(4) refuse to provide a service, product, or facility to a telephone company or telecommunications carrier in accordance with its applicable tariffs, price lists, or contracts and with the commission's rules and orders;

(5) impose unreasonable or discriminatory restrictions on the resale of its services, provided that:

(i) it may require that residential service may not be resold as a different class of service; and

(ii) the commission may prohibit resale of services it has approved for provision for not-for-profit entities at rates less than those offered to the general public; or

(6) provide telephone service to a person acting as a telephone company or telecommunications carrier if the commission has ordered the telephone company or telecommunications carrier to discontinue service to that person.

(b) A telephone company or telecommunications carrier may not violate a provision of ~~section~~ sections 325F.692 and 325F.693, with regard to any of the services provided by the company or carrier.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 7. **[237.131] INTRASTATE CALL ROUTING.**

A telephone utility shall not participate in intrastate call routing practices that result in failures of calls to be delivered to a local provider within Minnesota. A telecommunications service provider and a registered wholesale transport provider are prohibited from knowingly contracting with a wholesale transport provider that is not registered with the commission under section 237.132.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 8. **[237.132] REGISTRATION OF WHOLESALE TRANSPORT PROVIDERS.**

(a) A wholesale transport provider shall, within 30 days of the effective date of this act or of the wholesale transport provider's initial offering of wholesale transport service in Minnesota, whichever is later, file a registration with the commission that includes the company name, address, a contact name, and a telephone number available to other carriers that will be answered within normal business hours, to address any failures of calls to complete within Minnesota. The contacts provided by each entity should be knowledgeable regarding call routing and call completion. Wholesale transport providers are subject to regulation under this chapter only to the extent required under section 237.131.

(b) The department shall maintain a contact list of all registered wholesale transport providers on its Web site to enable expeditious resolution of any call routing and call completion problems involving wholesale transport providers.

(c) Wholesale transport providers shall update their registration information when changes occur, but no less frequently than annually.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 9. Minnesota Statutes 2014, section 237.49, is amended to read:

237.49 COMBINED LOCAL ACCESS SURCHARGE.

Each local telephone company shall collect from each subscriber an amount per telephone access line representing the total of the surcharges required under sections 237.52, 237.70, and 403.11. Amounts collected must be remitted to the commissioner of public safety in the manner prescribed in section 403.11. The commissioner of public safety shall divide the amounts received and deposit them in the appropriate accounts. The commissioner of public safety may recover from the agencies receiving the surcharges the personnel and administrative costs to collect and distribute the surcharge. A company or the billing agent for a company ~~shall list~~ may itemize the surcharges ~~as one amount~~ on a billing statement sent to a subscriber.

EFFECTIVE DATE. This section is effective the day following final enactment."

Amend the title accordingly

Kresha moved to amend the Kresha amendment to H. F. No. 1066, the first engrossment, as follows:

Page 3, line 1, before "and" insert "all telephone companies and telecommunications carriers with which the local exchange carrier has an interconnection agreement,"

Page 3, line 11, after "the" insert "local exchange carrier's"

Page 5, line 20, delete "within" and delete the first "of" and insert "after"

Page 5, delete subdivision 10 and insert:

"Subd. 10. **Relation to other law.** Nothing in this section restricts, creates, expands, or otherwise affects or modifies:

(1) any entity's obligations or rights or the commission's authority under the Federal Communications Act of 1934, United States Code, title 47, sections 251 and 252;

(2) any commission authority or existing orders related to wholesale services;

(3) any commission jurisdiction:

(i) over intrastate switched access rates, terms, and conditions, including the implementation of federal law with respect to intercarrier compensation, and

(ii) to address or affect the resolution of disputes regarding intercarrier compensation; or

(4) the rights of any entity, or the authority of the commission and local government authorities, with respect to the use and regulation of public rights-of-way under sections 237.162 and 237.163."

Page 8, line 18, delete "telephone utility" and insert "telecommunications service provider"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Kresha amendment, as amended, to H. F. No. 1066, the first engrossment. The motion prevailed and the amendment, as amended, was adopted.

Vogel was excused between the hours of 12:55 p.m. and 1:05 p.m.

H. F. No. 1066, A bill for an act relating to telecommunications; providing for competitive market regulation for certain local exchange carriers; providing for informal review and resolution of disputes; prohibiting certain call routing practices; providing for registration of wholesale transport providers; amending Minnesota Statutes 2014, sections 237.01, by adding subdivisions; 237.121; 237.49; proposing coding for new law in Minnesota Statutes, chapter 237.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Albright	Davnie	Hausman	Loon	O'Driscoll	Slocum
Allen	Dean, M.	Heintzeman	Loonan	O'Neill	Smith
Anderson, C.	Dehn, R.	Hertaus	Lucero	Pelowski	Sundin
Anderson, M.	Drazkowski	Hoppe	Lueck	Peppin	Swedzinski
Anderson, P.	Ecklund	Hornstein	Mack	Persell	Theis
Anderson, S.	Erhardt	Hortman	Mahoney	Petersburg	Thissen
Anzelc	Erickson	Howe	Mariani	Peterson	Torkelson
Applebaum	Fabian	Johnson, B.	Marquart	Pierson	Uglen
Atkins	Fenton	Johnson, C.	Masin	Poppe	Urdahl
Backer	Fischer	Johnson, S.	McDonald	Pugh	Wagenius
Baker	Flanagan	Kahn	McNamara	Quam	Ward
Barrett	Freiberg	Kelly	Metsa	Rarick	Whelan
Bennett	Garofalo	Kiel	Miller	Rosenthal	Wills
Bernardy	Green	Knoblach	Moran	Runbeck	Yarusso
Bly	Gruenhagen	Koznick	Mullery	Sanders	Youakim
Carlson	Gunther	Kresha	Murphy, E.	Schoen	Zerwas
Christensen	Hackbarth	Lesch	Murphy, M.	Schomacker	Spk. Daudt
Considine	Halverson	Liebling	Nash	Schultz	
Cornish	Hamilton	Lien	Newberger	Scott	
Daniels	Hancock	Lillie	Newton	Selcer	
Davids	Hansen	Lohmer	Nornes	Simonson	

Those who voted in the negative were:

Hilstrom	Isaacson	Laine	Loeffler	Nelson	Pinto
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The bill was passed, as amended, and its title agreed to.

S. F. No. 107, A bill for an act relating to health care; requiring a hospital to provide a patient the opportunity to designate a caregiver upon entry to the hospital; requiring a hospital to provide a discharge plan and aftercare instructions to a designated caregiver prior to discharge; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Dean, M.	Hertaus	Lohmer	Nornes	Selcer
Allen	Dehn, R.	Hilstrom	Loon	Norton	Simonson
Anderson, C.	Drazkowski	Hoppe	Loonan	O'Driscoll	Slocum
Anderson, M.	Ecklund	Hornstein	Lucero	O'Neill	Smith
Anderson, P.	Erhardt	Hortman	Lueck	Pelowski	Sundin
Anderson, S.	Erickson	Howe	Mack	Peppin	Swedzinski
Anzelc	Fabian	Isaacson	Mahoney	Persell	Theis
Applebaum	Fenton	Johnson, B.	Mariani	Petersburg	Thissen
Atkins	Fischer	Johnson, C.	Marquart	Peterson	Torkelson
Backer	Flanagan	Johnson, S.	Masin	Pierson	Uglen
Baker	Freiberg	Kahn	McDonald	Pinto	Urdahl
Barrett	Garofalo	Kelly	McNamara	Poppe	Wagenius
Bennett	Green	Kiel	Metsa	Pugh	Ward
Bernardy	Gruenhagen	Knoblach	Miller	Quam	Whelan
Bly	Gunther	Koznick	Moran	Rarick	Wills
Carlson	Hackbarth	Kresha	Mullery	Rosenthal	Yarusso
Christensen	Halverson	Laine	Murphy, E.	Runbeck	Youakim
Considine	Hamilton	Lesch	Murphy, M.	Sanders	Zerwas
Cornish	Hancock	Liebling	Nash	Schoen	Spk. Daudt
Daniels	Hansen	Lien	Nelson	Schomacker	
Davids	Hausman	Lillie	Newberger	Schultz	
Davnie	Heintzeman	Loeffler	Newton	Scott	

The bill was passed and its title agreed to.

S. F. No. 2539 was reported to the House.

Murphy, E., offered an amendment to S. F. No. 2539.

POINT OF ORDER

Kresha raised a point of order pursuant to rule 3.21 that the Murphy, E., amendment was not in order. Speaker pro tempore Davids ruled the point of order well taken and the Murphy, E., amendment out of order.

S. F. No. 2539, A bill for an act relating to human services; recodifying nursing facility payment language; making conforming changes; repealing obsolete provisions; amending Minnesota Statutes 2014, sections 144A.071, subdivision 2; 256B.0625, by adding a subdivision; 256B.19, subdivision 1e; 256B.431, subdivision 22; 256B.434,

subdivision 10; 256B.48, subdivisions 2, 3a; 256B.50, subdivision 1a; Minnesota Statutes 2015 Supplement, sections 144A.15, subdivision 6; 256I.05, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 256R; repealing Minnesota Statutes 2014, sections 256B.0911, subdivision 7; 256B.25, subdivision 4; 256B.27, subdivision 2a; 256B.41, subdivisions 1, 2, 3; 256B.411, subdivisions 1, 2; 256B.421, subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15; 256B.431, subdivisions 1, 2d, 2e, 2n, 2r, 2s, 2t, 3e, 32, 35, 42, 44; 256B.432, subdivisions 1, 2, 3, 4, 4a, 5, 6, 6a, 7, 8; 256B.433, subdivisions 1, 2, 3, 3a; 256B.434, subdivisions 2, 9, 11, 12, 14, 15, 16, 18, 19a, 20, 21; 256B.437, subdivisions 1, 3, 4, 5, 6, 7, 9, 10; 256B.438, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 256B.441, subdivisions 2, 3, 4, 7, 8, 9, 10, 11, 15, 18, 20, 22, 23, 24, 25, 27, 28a, 29, 32, 33a, 34, 36, 37, 38, 39, 41, 42a, 43, 46b, 47, 49, 57, 59, 60, 61, 64; 256B.47, subdivisions 1, 2, 3, 4; 256B.48, subdivisions 1, 1a, 1b, 1c, 3, 4, 5, 6a, 7, 8; Minnesota Statutes 2015 Supplement, sections 256B.431, subdivisions 2b, 36; 256B.441, subdivisions 1, 5, 6, 11a, 13, 14, 17, 30, 31, 33, 35, 40, 44, 46c, 46d, 48, 50, 51, 51a, 51b, 53, 54, 55a, 56, 63, 65, 66, 67; 256B.495, subdivisions 1, 5; Minnesota Rules, parts 9549.0035, subparts 1, 3, 7, 8; 9549.0041, subpart 6; 9549.0055, subparts 1, 2, 3; 9549.0070, subparts 2, 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Dean, M.	Hertaus	Lohmer	Nornes	Selcer
Allen	Dehn, R.	Hilstrom	Loon	Norton	Simonson
Anderson, C.	Drazkowski	Hoppe	Loonan	O'Driscoll	Slocum
Anderson, M.	Ecklund	Hornstein	Lucero	O'Neill	Smith
Anderson, P.	Erhardt	Hortman	Lueck	Pelowski	Sundin
Anderson, S.	Erickson	Howe	Mack	Peppin	Swedzinski
Anzelc	Fabian	Isaacson	Mahoney	Persell	Theis
Applebaum	Fenton	Johnson, B.	Mariani	Petersburg	Thissen
Atkins	Fischer	Johnson, C.	Marquart	Peterson	Torkelson
Backer	Flanagan	Johnson, S.	Masin	Pierson	Uglem
Baker	Freiberg	Kahn	McDonald	Pinto	Urdahl
Barrett	Garofalo	Kelly	McNamara	Poppe	Vogel
Bennett	Green	Kiel	Metsa	Pugh	Wagenius
Bernardy	Gruenhagen	Knoblach	Miller	Quam	Ward
Bly	Gunther	Koznick	Moran	Rarick	Whelan
Carlson	Hackbarth	Kresha	Mullery	Rosenthal	Wills
Christensen	Halverson	Laine	Murphy, E.	Runbeck	Yarusso
Considine	Hamilton	Lesch	Murphy, M.	Sanders	Youakim
Cornish	Hancock	Liebling	Nash	Schoen	Zerwas
Daniels	Hansen	Lien	Nelson	Schomacker	Spk. Daudt
Davids	Hausman	Lillie	Newberger	Schultz	
Davnie	Heintzeman	Loeffler	Newton	Scott	

The bill was passed and its title agreed to.

S. F. No. 2869, A bill for an act relating to commerce; including tax debt as debt that is covered under debt settlement services regulation; amending Minnesota Statutes 2014, sections 332A.02, subdivision 8; 332A.10, subdivision 4; 332B.02, subdivisions 9, 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Dean, M.	Hertaus	Lohmer	Nornes	Selcer
Allen	Dehn, R.	Hilstrom	Loon	Norton	Simonson
Anderson, C.	Drazkowski	Hoppe	Loonan	O'Driscoll	Slocum
Anderson, M.	Ecklund	Hornstein	Lucero	O'Neill	Smith
Anderson, P.	Erhardt	Hortman	Lueck	Pelowski	Sundin
Anderson, S.	Erickson	Howe	Mack	Peppin	Swedzinski
Anzelc	Fabian	Isaacson	Mahoney	Persell	Theis
Applebaum	Fenton	Johnson, B.	Mariani	Petersburg	Thissen
Atkins	Fischer	Johnson, C.	Marquart	Peterson	Torkelson
Backer	Flanagan	Johnson, S.	Masin	Pierson	Uglem
Baker	Freiberg	Kahn	McDonald	Pinto	Urdahl
Barrett	Garofalo	Kelly	McNamara	Poppe	Vogel
Bennett	Green	Kiel	Metsa	Pugh	Wagenius
Bernardy	Gruenhagen	Knoblach	Miller	Quam	Ward
Bly	Gunther	Koznick	Moran	Rarick	Whelan
Carlson	Hackbarth	Kresha	Mullery	Rosenthal	Wills
Christensen	Halverson	Laine	Murphy, E.	Runbeck	Yarusso
Considine	Hamilton	Lesch	Murphy, M.	Sanders	Youakim
Cornish	Hancock	Liebling	Nash	Schoen	Zerwas
Daniels	Hansen	Lien	Nelson	Schomacker	Spk. Daudt
Davids	Hausman	Lillie	Newberger	Schultz	
Davnie	Heintzeman	Loeffler	Newton	Scott	

The bill was passed and its title agreed to.

S. F. No. 2896, A bill for an act relating to human services; requiring training for child foster care providers; amending Minnesota Statutes 2015 Supplement, section 245A.175.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Bernardy	Ecklund	Halverson	Johnson, B.	Lillie
Allen	Bly	Erhardt	Hamilton	Johnson, C.	Loeffler
Anderson, C.	Carlson	Erickson	Hancock	Johnson, S.	Lohmer
Anderson, M.	Christensen	Fabian	Hansen	Kahn	Loon
Anderson, P.	Clark	Fenton	Hausman	Kelly	Loonan
Anderson, S.	Considine	Fischer	Heintzeman	Kiel	Lucero
Anzelc	Cornish	Flanagan	Hertaus	Knoblach	Lueck
Applebaum	Daniels	Freiberg	Hilstrom	Koznick	Mack
Atkins	Davids	Garofalo	Hoppe	Kresha	Mahoney
Backer	Davnie	Green	Hornstein	Laine	Mariani
Baker	Dean, M.	Gruenhagen	Hortman	Lesch	Marquart
Barrett	Dehn, R.	Gunther	Howe	Liebling	Masin
Bennett	Drazkowski	Hackbarth	Isaacson	Lien	McDonald

McNamara	Newberger	Petersburg	Runbeck	Smith	Wagenius
Metsa	Newton	Peterson	Sanders	Sundin	Ward
Miller	Nornes	Pierson	Schoen	Swedzinski	Whelan
Moran	Norton	Pinto	Schomacker	Theis	Wills
Mullery	O'Driscoll	Poppe	Schultz	Thissen	Yarusso
Murphy, E.	O'Neill	Pugh	Scott	Torkelson	Youakim
Murphy, M.	Pelowski	Quam	Selcer	Uglen	Zerwas
Nash	Peppin	Rarick	Simonson	Urdahl	Spk. Daudt
Nelson	Persell	Rosenthal	Slocum	Vogel	

The bill was passed and its title agreed to.

S. F. No. 2986, A bill for an act relating to local government; authorizing cities to exempt land less than 20 acres from the fence-viewing process; authorizing cities to adopt fence policies; amending Minnesota Statutes 2014, sections 344.011; 344.20.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Davnie	Heintzeman	Loeffler	Newton	Scott
Allen	Dean, M.	Hertaus	Lohmer	Nornes	Selcer
Anderson, C.	Dehn, R.	Hilstrom	Loon	Norton	Simonson
Anderson, M.	Drazkowski	Hoppe	Loonan	O'Driscoll	Slocum
Anderson, P.	Ecklund	Hornstein	Lucero	O'Neill	Smith
Anderson, S.	Erhardt	Hortman	Lueck	Pelowski	Sundin
Anzalc	Erickson	Howe	Mack	Peppin	Swedzinski
Applebaum	Fabian	Isaacson	Mahoney	Persell	Theis
Atkins	Fenton	Johnson, B.	Mariani	Petersburg	Thissen
Backer	Fischer	Johnson, C.	Marquart	Peterson	Torkelson
Baker	Flanagan	Johnson, S.	Masin	Pierson	Uglen
Barrett	Freiberg	Kahn	McDonald	Pinto	Urdahl
Bennett	Garofalo	Kelly	McNamara	Poppe	Vogel
Bernardy	Green	Kiel	Metsa	Pugh	Wagenius
Bly	Gruenhagen	Knoblach	Miller	Quam	Ward
Carlson	Gunther	Koznick	Moran	Rarick	Whelan
Christensen	Hackbarth	Kresha	Mullery	Rosenthal	Wills
Clark	Halverson	Laine	Murphy, E.	Runbeck	Yarusso
Considine	Hamilton	Lesch	Murphy, M.	Sanders	Youakim
Cornish	Hancock	Liebling	Nash	Schoen	Zerwas
Daniels	Hansen	Lien	Nelson	Schomacker	Spk. Daudt
Davids	Hausman	Lillie	Newberger	Schultz	

The bill was passed and its title agreed to.

**REPORT FROM THE COMMITTEE ON RULES
AND LEGISLATIVE ADMINISTRATION**

Peppin from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Monday, May 9, 2016 and established a prefiling requirement for amendments offered to the following bills:

H. F. Nos. 2014, 2585, 2955 and 3328; and S. F. Nos. 2430, 2498, 2527 and 3272.

MOTIONS AND RESOLUTIONS

Zerwas moved that the name of Loeffler be added as an author on H. F. No. 210. The motion prevailed.

Knoblach moved that the name of Franson be added as an author on H. F. No. 798. The motion prevailed.

Youakim moved that the name of Clark be added as an author on H. F. No. 2346. The motion prevailed.

Howe moved that the name of Liebling be added as an author on H. F. No. 2353. The motion prevailed.

Zerwas moved that the name of Clark be added as an author on H. F. No. 2438. The motion prevailed.

Yarusso moved that the names of Ward, Lillie and Clark be added as authors on H. F. No. 2672. The motion prevailed.

Scott moved that the names of Christensen, Heintzeman and Daniels be added as authors on H. F. No. 2704. The motion prevailed.

Smith moved that the name of Isaacson be added as an author on H. F. No. 2955. The motion prevailed.

Dettmer moved that the name of Backer be added as an author on H. F. No. 3167. The motion prevailed.

Sanders moved that the name of Hortman be added as an author on H. F. No. 3549. The motion prevailed.

McDonald moved that his name be stricken as an author on H. F. No. 3960. The motion prevailed.

Kahn moved that the names of Freiberg; Atkins; Metsa; Johnson, S.; Melin; Considine; Flanagan and Clark be added as authors on H. F. No. 3981. The motion prevailed.

Hornstein moved that the name of Garofalo be added as an author on H. F. No. 3982. The motion prevailed.

Kahn moved that H. F. No. 3330 be returned to its author. The motion prevailed.

ADJOURNMENT

Peppin moved that when the House adjourns today it adjourn until 4:00 p.m., Monday, May 9, 2016. The motion prevailed.

Peppin moved that the House adjourn. The motion prevailed, and Speaker pro tempore Davids declared the House stands adjourned until 4:00 p.m., Monday, May 9, 2016.

PATRICK D. MURPHY, Chief Clerk, House of Representatives

